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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,059	04/20/2001	Virgil Flores Tordera	50R4628	2330
7590	08/11/2004		EXAMINER	PHAN, HUY Q
John L. Rogitz Rogitz & Associates Suite 3120 750 B Street San Diego, CA 92101			ART UNIT	PAPER NUMBER 2685
DATE MAILED: 08/11/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/839,059	TORDERA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Huy Q Phan	2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 May 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5,8-14 and 17-28 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 22-28 is/are allowed.
- 6) Claim(s) 1-5,8-14 and 17-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard (US-5,675,524) in view of Chen et al. (US-2002/0137538).

Regarding claim 1, Bernard discloses in figures 2-4, a communication interface device (100), comprising: a base (col. 2, lines 66-67); at least one receptacle (col. 3, lines 1-5) on the base configured for receiving a portion of a personal digital assistant (PDA) (102) therein; at least one connector (60) on the base configured for electrically communicating with the PDA; and at least one wireless Internet packet (IP) transceiver (112 and 124) supported by the base (col. 7, lines 10-23). But, Bernard fails to explicitly show at least one directional antenna mounted on the base and electrically connected to the transceiver. However, Chen et al. teach a communication interface device (fig. 3, feature 310) comprising at least one directional antenna mounted on the base and electrically connected to the transceiver (col. 3, line 2). Since, Bernard and Chen et al. are related to wireless communication devices in a cellular system, then it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bernard by specifically having at least one directional antenna

mounted on the base and electrically connected to the transceiver as taught by Chen et al. for purpose of transmitting/receiving signal from a direction of desired wave in order to handle large data transfer rate by making up of spatially separated individual radiating elements.

Regarding claim 2, Bernard and Chen et al. disclose a communication interface device as recited in the rejection of claim 1. But, Bernard and Chen et al. do not particularly disclose wherein the wireless transceiver operates at a frequency of at least two thousand three hundred million Hertz. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the communication interface device of capability operating at high frequency. Since, it has been held that where the general conditions of a claim are disclosed in the prior arts, discovering workable ranges involves only routine skill in the art. See *In re Aller*, 105 USPQ 233.

Regarding claim 3, Bernard and Chen et al. disclose a communication interface device as recited in prior rejections. But, Bernard and Chen et al. fail to expressly recite wherein the wireless transceiver operates at a frequency of no more than two thousand three hundred ten million Hertz. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make available for the communication interface device of capability operating at low frequency. Since, it has been held that where the general conditions of a claim are disclosed in the prior arts, discovering workable ranges involves only routine skill in the art. See *In re Aller*, 105 USPQ 233.

Regarding claim 4, Bernard and Chen et al. disclose a communication interface device as recited in the rejection of claim 1. Bernard also discloses wherein the connector (60) being a serial bus connector (col. 4, lines 9-10).

Regarding claim 5, Bernard and Chen et al. disclose a communication interface device as recited in the rejection of claim 1. Bernard discloses the device further comprising at least one light emitting diode (LED) (73) mounted on the base and operable at least to indicate whether the transceiver being communicating with a base station (col. 3, lines 62-63).

Regarding claim 8, Bernard and Chen et al. disclose a communication interface device as recited in the rejection of claim 1. Bernard discloses in figure 6, a communication interface device (100), further comprising at least one audio speaker (330) on the base (col. 10, line 1).

Regarding claim 9, Bernard and Chen et al. disclose a communication interface device as recited in the rejection of claim 1. Bernard discloses the device (100), further comprising at least one battery (col. 5, lines 4-5) included in the base.

Regarding claim 10, Bernard and Chen et al. disclose a communication interface device as recited in prior rejections. Bernard discloses further comprising at least one

audio or visual (71) indication of a low voltage condition of the battery (col. 3, lines 62-63).

Regarding claim 11, Bernard and Chen et al. disclose a communication interface device as recited in prior rejections. Bernard discloses further comprising at least one charger (148) port on the base and electrically connected to the battery (146) (col. 5, lines 4-7).

Regarding claim 12, Bernard and Chen et al. disclose a communication interface device as recited in the rejection of claim 1. Bernard discloses further comprising a personal digital assistant (PDA) (102) engageable with the base.

3. Claims 13, 14 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard in view of Kay (US-5,930,704).

Regarding claim 13, Bernard discloses in figures 2-4, a wireless communication device (100) for providing at least one communication interface to a portable computer (102), comprising: holder means (col. 3, lines 1-12) for closely receiving the computer; electrical connection means (60) on the holder means for establishing electrical contact with the computer when the computer is held by the holder means; and wireless IP transceiver means (112 and 124) on the holder means for establishing a communication pathway between the computer and a wireless IP network when the computer is held by the holder means (col. 5, lines 50-57). But Bernard does not expressly disclose wherein

the wireless transceiver means operating in a frequency range of between two thousand three hundred million Hertz and two thousand three hundred ten million Hertz (2300 mHz-2310 mHz) inclusive. However, Kay teaches in figure 1, a communication system wherein the wireless transceiver means (20) operating in a frequency range of between two thousand three hundred million Hertz and two thousand three hundred ten million Hertz (2300 mHz-2310 mHz) (col. 6, lines 33-35). Since, both Bernard and Kay are related to wireless communication systems; therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the system of Bernard by specially having the wireless transceiver means operating in a frequency range of between two thousand three hundred million Hertz and two thousand three hundred ten million Hertz (2300 mHz-2310 mHz) as taught by Kay for purpose of permitting wireless communication system to operate in such specially frequency bandwidth.

Regarding claim 14, Bernard and Kay disclose all the limitations of claim 13. Bernard further discloses in figure 4, a wireless communication device (100) comprising an antenna (122) on the holder means and connected the wireless IP transceiver means.

Regarding claim 17, Bernard and Kay disclose all the limitations of claim 13. Bernard further discloses in figure 3, a wireless communication device (100) comprising at least one visual indicating means (73) mounted on the holder means for indicating

whether the transceiver means is communicating with a base station (col. 3, lines 62-63).

Regarding claim 18, Bernard and Kay disclose all the limitations of claim 13. Bernard further discloses in figure 4, a wireless communication device (100) comprising at least one audio (330) indicating means on the holder means.

Regarding claim 19, Bernard and Kay disclose all the limitations of claim 13. Bernard further discloses in figure 4, a wireless communication device (100) comprising at least one power (146) means included in the holder means.

Regarding claim 20, Bernard and Kay disclose all the limitations of claim 19. Bernard further discloses in figure 3, a wireless communication device (100) comprising at least one audio or visual indication (71) of a low voltage condition of the power means (col. 3, lines 62-63).

Regarding claim 21, Bernard and Kay disclose all the limitations of claim 20. Bernard further discloses in figure 4, a wireless communication device (100) comprising at least one charger (148) means on the holder and electrically connected to the power (146) means (col. 5, lines 4-7).

#### **Reasons for Allowance**

4. Claims 22-28 are allowed.

The following is a statement of reason for the indication of allowance: the prior art made of record and considered pertinent to the applicant's disclosure does not disclose nor fairly suggest the method of displaying on the computer, at least one icon representing the cradle.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-5 and 8-12 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claims 13-21 have been fully considered but they are not persuasive. In response to Applicant's arguments with regard to the rejection of claim 13 based on Bernard and Kay. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge

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generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). The rejection still relies on Kay because Kay teaches specifically the wireless telecommunications between a central terminal and the subscriber terminals (fig. 1) could operate on various frequencies and the transmitter being intended to operate in the 1.5-2.5 GHz Band (col. 6, lines 30-45).

In addition, it has been held that where the general conditions of a claim are disclosed in the prior arts, discovering workable ranges involves only routine skill in the art. See *In re Aller*, 105 USPQ 233.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Ray et al. (US-5,960,343) disclose wireless communications.
- b) Schwengler (US-6,678,259) discloses a method for line of sight path communication.
- c) Lopes et al. (US-6,453,176) disclose directional antenna.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Urban F Edward can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phan, Huy Q

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Date : Aug. 06, 2004

  
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